

Assembly Bill No. 340

Passed the Assembly May 23, 2013

Chief Clerk of the Assembly

Passed the Senate September 9, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 383 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 340, Bradford. Public utilities: Electric Program Investment Charge: contracting.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The Reliable Electric Service Investments Act required the commission to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the public goods charge, to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits. Existing decisions of the commission institute an Electric Program Investment Charge, referred to as EPIC, to fund research, development, and demonstration programs.

The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law directs the commission to require every electrical, gas, water, wireless telecommunications service provider, and telephone corporation with annual gross revenues exceeding \$25,000,000, and their regulated subsidiaries and affiliates, to implement a program developed by the commission to encourage, recruit, and utilize minority, women, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates. The commission, by its rulemaking authority, has adopted General Order 156, applicable to certain electrical, gas, and telephone corporations, to effectuate these requirements.

This bill would require the commission to establish a program to encourage the use of women, minority, and disabled veteran-owned businesses as prime contractors and subcontractors for all grants, contracts, subsidies, financing, and activities

administered through the EPIC consistent with General Order 156 of the commission.

Existing law requires the commission to provide to the Legislature a specified report on the progress of activities undertaken by certain entities in the implementation of women, minority, and disabled veteran-owned business enterprise development programs.

This bill would require the commission to include in its 2014 report a status report on the commission's progress in increasing the participation of women, minorities, and disabled veteran-owned businesses, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 383 is added to the Public Utilities Code, to read:

383. (a) The Legislature finds and declares that the Public Utilities Commission adopted the Electric Program Investment Charge (EPIC) pursuant to Decision 11-12-035 (Phase 1 Decision Establishing Interim Research, Development And Demonstration, And Renewables Programs Funding Levels), as modified by Decision 13-01-016 (Order Modifying Decision (D.) 11-12-035 and Denying Rehearing of Decision, As Modified), and Decision 12-05-037 (Phase 2 Decision Establishing Purposes and Governance for EPIC and Establishing Funding Collections for 2013–2020), as corrected by Decision 12-07-001 (Order Correcting Error).

(b) To promote greater competition among suppliers of research, development, and demonstration programs and to expand the available base and encourage greater economic opportunity for women, minority, and disabled veteran-owned businesses historically left out of research, development, and demonstration programs, the commission shall establish a program through an existing or new proceeding, or by modifying an existing general order, to encourage the use of women, minority, and disabled veteran-owned businesses as prime contractors and subcontractors for all grants, contracts, subsidies, financing, and activities administered through the EPIC established by Decisions 11-12-035 and 12-05-037, and related and subsequent decisions, consistent with General Order 156 of the commission.

(c) Not later than 2014, the commission shall include a status report on its progress pursuant to this section in increasing the participation of women, minority, and disabled veteran-owned businesses as prime contractors and subcontractors in its annual report to the Legislature pursuant to subdivision (e) of Section 8283.

(d) Nothing in this section provides the commission with any authority to order the collection of the moneys consistent with Decision 11-12-035, Decision 12-05-037, or to increase the amount collected through the EPIC.

Approved _____, 2013

Governor